

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAMON N. HESTAND, #01343536

§

VS.

§

CIVIL ACTION NO. 6:22cv006

TDCJ INSPECTOR GENERAL, et al.

§

ORDER FOR INITIAL FILING FEE

Before the Court is Plaintiff's motion for leave to proceed *in forma pauperis*, (Dkt. #2). The Prison Litigation Reform Act of 1996 (PLRA) requires prisoners seeking to bring civil actions to pay an initial partial filing fee. The Act further requires prisoners thereafter to pay the balance of the full filing fee.

The Court having considered the applications in light of PLRA finds that the following order should be entered. Accordingly, it is **ORDERED** that:

1. The Plaintiff's motion for leave to proceed *in forma pauperis*, (Dkt. #2), is **GRANTED**. 28 U.S.C. §1915. The granting of this motion does not relieve the Plaintiff of the responsibility of paying the full filing fee or any partial fees connected therewith, unless and until this Court directs otherwise, regardless of the disposition of the case. Because the Plaintiff has been granted *in forma pauperis* status, the amount of the filing fee is \$350.00.

2. The Clerk shall file the Plaintiff's pleadings without prepayment of the filing fee.

3. The Court has reviewed Plaintiff's submitted financial statements and determined that an initial partial filing fee of \$100.00 is appropriate and shall be paid to the Clerk within (30) days from receipt of this Order. Plaintiff is responsible for timely payment of the initial partial filing fee. If payment will be made from Plaintiff's inmate trust fund account, Plaintiff must submit a

request to the trust fund department to have the funds sent to the court from Plaintiff's inmate trust account.

4. Service of process shall be withheld pending screening pursuant to 28 U.S.C. § 1915A.

5. No amendments or supplements to the complaint shall be filed without prior approval.

A complete amended complaint shall be attached to any motion to amend.

6. There will be no discovery in the case at this time. *See* Fed. R. Civ. P. 26. If the Defendants are ordered to answer, then all parties are to disclose to one another all information relevant to the claim or defense of any party within 30 days after an answer is filed. The parties are to promptly file with this Court a notice of disclosure after such disclosure has taken place. *See* Rule CV-26, Local Rules of the Eastern District of Texas.

7. All discovery in this case is stayed until an order to answer is filed.

8. No motions for appointment of counsel shall be filed until the Court has completed its screening pursuant to 28 U.S.C. § 1915A, which may but need not include a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

9. The Plaintiff shall notify the Court of any changes of address by filing a written notice of change of address with the Clerk. Failure to file such notice may result in the case being dismissed for want of prosecution.

10. In the event that the Plaintiff subsequently receives deposits in his inmate trust account, the agency having custody of the Plaintiff shall deduct 20% of each deposit made to the Plaintiff's inmate trust account and forward payments to the Court on a regular basis provided the account exceeds \$10.00.

11. In the event that the Plaintiff is released from custody, the filing fee is still due and payable. Failure to make arrangements with the Court for payment of the fee may result in the dismissal of the case for want of prosecution.

NOTICES TO THE PLAINTIFF:

a. If you do not wish to prosecute this action, you may notify the court in writing, by letter or motion, that you wish to voluntarily dismiss this civil action.

b. Upon receipt of the initial partial filing fee, the Court, as required by the PLRA, will order the agency having custody of the plaintiff to make monthly withdrawals from his inmate account and forward them to the Court until the balance of the full filing fee is paid. Payment of all or any part of the full filing fee will not prevent dismissal of the complaint if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.

So ORDERED and SIGNED this 10th day of January, 2022.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE